

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MATTHEW VANDERHOOP, Plaintiff,  v.  WILMINGTON SAVINGS FUND SOCIETY FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR BCAT 2014-10TT, Defendant.	Civil Action No. 18-11924-FDS
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**AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

I, Michael N. Zerulik, being duly sworn, hereby depose and say:

1. I am over the age of 18 years and understand the obligation of an oath.

2. I am a Litigation Specialist for Selene Finance LP ("Selene

Finance"), the servicer of the mortgage loan that is subject of the above-captioned action.

3. In the regular performance of my job functions, I am familiar with business records maintained by Selene Finance for the purpose of servicing mortgage loans. These records (which include data compilations, electronically imaged documents, and others) are made at or near the time of the events recorded by Selene Finance. It is the regular business practice of Selene Finance's mortgage servicing business to make these records. Additionally, it is the regular business practice of Selene Finance to obtain, incorporate into its own business records, and rely upon the business records of prior mortgage loan originators and prior mortgage loan servicers,

which records are necessary and helpful to the transitioning of servicing responsibilities from mortgage loan originators to mortgage loan servicers, and between successive mortgage loan servicers. In connection with this affidavit, I had access to the business records maintained by Selene Finance that are pertinent to the mortgage of Matthew Vanderhoop (the "**Plaintiff**"), and I have acquired the knowledge of the matters stated herein by personally examining them.

4. Plaintiff's personal identifying information (loan account, Social Security, telephone numbers and birth dates), have been redacted from the exhibits attached to this affidavit, for financial privacy reasons.

5. By quitclaim deed dated January 7, 1995, the Plaintiff and Rachel Vanderhoop became record owners of certain real property known as and numbered 17 Old South Road, Aquinnah, Dukes County, Massachusetts (the "**Property**"). On April 24, 2007, the Plaintiff executed a promissory note in favor of Sovereign Bank (the "**Lender**") to borrow the sum of \$850,000.00 (the "**Note**"). A copy of the Note is attached hereto as Exhibit A. As security for his obligations under the Note, the Plaintiff granted a mortgage on the Property in favor of the Lender (the "**Mortgage**"). A copy of the Mortgage is attached hereto as Exhibit B.

6. By an assignment of mortgage dated September 9, 2014, the Mortgage was assigned to MTGLQ Investors, L.P. ("**MTGLQ**"). The assignment of mortgage was recorded with the Dukes County Registry of Deeds (the "**Registry**") in Book 1375, Page 179. A copy of the assignment is attached hereto as Exhibit C.

7. By an assignment of mortgage dated February 2, 2015, the Mortgage was assigned to Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not in its individual capacity, but solely as Trustee for BCAT 2014-10TT ("**Wilmington Savings**"). The assignment of mortgage was recorded with the Registry in Book 1375, Page 876. A copy of the assignment is attached hereto as Exhibit D.

8. By an assignment of mortgage dated January 10, 2018, the Mortgage was then assigned to MTGLQ. The assignment of mortgage was recorded with the Registry in Book 1460, Page 550. A copy of the assignment is attached hereto as Exhibit E.

9. By an assignment of mortgage dated February 6, 2018, the Mortgage was then assigned to Wilmington Savings. The assignment of mortgage was recorded with the Registry in Book 1460, Page 559. A copy of the assignment is attached hereto as Exhibit F.

10. Selene Finance mailed to the Plaintiff a letter dated June 6, 2017, entitled "RIGHT TO REQUEST A MODIFIED MORTGAGE LOAN" by both first-class and certified mail. A copy of the Right to Request a Modified Mortgage Loan sent to the Plaintiff by first-class mail is attached hereto as Exhibit G. A copy of the Right to Request a Modified Mortgage Loan sent to the Plaintiff by certified mail is attached hereto as Exhibit H.

11. Plaintiff did not complete and return the Mortgage Modification Options form nor did the Plaintiff provide any supporting documents to request a modification of the Mortgage.

12. Selene Finance mailed to the Plaintiff by both first-class and certified mail a letter dated June 6, 2017, entitled 90 Day Right to Cure Your Mortgage Default by both first-class and certified mail. A copy of the 90 Day Right to Cure Your Mortgage Default sent by first-class mail is attached hereto as Exhibit I. A copy of the 90 Day Right to Cure your Mortgage Default sent by certified mail is attached hereto as Exhibit J.

13. Plaintiff did not cure the mortgage default and the loan is in default.

14. On September 13, 2017, Wilmington Savings filed a complaint against the Plaintiff with the Land Court of the Commonwealth of Massachusetts (the "**Land Court**"), pursuant to the Servicemembers Civil Relief Act to foreclose the Mortgage on the Property, case no. 17SM007509. On June 14, 2018, Land Court entered judgment in favor of Wilmington Savings. A copy of the Land Court judgment is attached hereto as Exhibit K.

15. A true and correct copy of Plaintiff's Answers to First Set of Admissions of Wilmington Savings is attached hereto as Exhibit L.

16. If called on to testify to the foregoing, I would and could completely testify hereto.

This concludes my affidavit.

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Michael N. Zerul  
Selene Finance LP

Dated: 4/16/2019

STATE OF Florida

COUNTY OF Duval

SWORN TO and subscribed before me this 16<sup>th</sup> day of April, 2019, by Michael N. Zerul of Selene Finance LP a Delaware corporation. He/She is personally known to me.



[Signature]  
Notary Public **Elaine Willison**

My commission expires: June 5, 2019